

CONSULTATION QUESTIONS

Q1. What are your views on the overall costs and savings identified in the Business and Regulatory Impact Assessments?

No comments

Q2. Do you agree with the registration process as described?

No

Q3. If not, what changes would you propose to the process?

The over-riding caveat to all the following comments is that the “scientific exemption” is not well defined; there are diving operations that the draft suggests should be registered but are also used in scientific diving. It is not clear whether the two “types” of diving operation are mutually exclusive.

It is assumed that the registration process is not one of approval. It would, therefore, seem sensible to allow a process whereby re-occurring or continuous activities could be permitted or registered on a long- or medium-term basis. It is difficult to see how “on the day” decisions relating to how diving operations are planned or executed, in line with the requirements of the 1997 Diving at Work Regulations, could or would be accommodated within the present draft guidelines.

Q4. Do you agree that the listed activities should be registerable, rather than licensable?

Yes No

Q5. Do you have further comments regarding the activities listed above?

Again, it is unclear as to how far the “scientific exemption” relates to the other diving-related activities that are deemed necessary of registration.

It is quite common to use lifting bags (less than and greater than 100kg of lift) to aid the accurate deployment, re-deployment and retrieval of scientific equipment. It is also quite common to deploy scientific equipment subtidally that has cables running back to the shore (crossing the intertidal). It needs to be made clear as to the limits of the scientific exemption.

Irrespective of that, we have serious concerns that the registration process may introduce a perception within many sectors of the diving industry that by using the diver only to recover equipment etc., from the seabed (i.e. removing the need for air bags or surface winching) may eliminate the requirement for registration. This could influence divers and/or their employers to use dangerous diving techniques such as hard finning to the

surface, use of drysuits as “lifting bags”, fast ascents, missed safety stops etc., that have been largely risk-assessed out through the use of lifting bags and surface winching. It is unclear what the intentions are with this guidance but we would suggest that this could produce highly unsafe diving practices; we would recommend discussion with the HSE Diving Inspectorate over these matters.

Q6. Are there any other classes of activity that should be registerable?

No, however we would wish to be consulted should currently exempt classes of activity that have a likely relevance to scientific diving be considered for addition to the list of operations requiring registration.

Q7. Do agree that statutory consultees should not be specified in legislation for the pre-application consultation process?

Yes No

Q8. If not, which persons or bodies do you believe should be specified as statutory consultees for the pre-application consultation process?

We would wish the opportunity to comment on pre-application consultations on behalf of NERC, SAMS and the UK Scientific Diving Supervisory Committee in the event that scientific diving activity could possibly be affected by any development.

Q9. Do you agree with the classes of activity that will be subject to pre-application consultation?

Yes No

Q10. If not, what activities would you add or remove from the list?

No comment

Q11. Do you believe that the above proposals discriminate disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?

Yes No

Q12. If you answered yes to Question 11, in what way do you believe the proposals to be discriminatory?

No comment